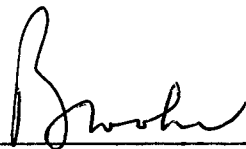


By



S B. No. 1051

A BILL TO BE ENTITLED

AN ACT

1 relating to the construction of certain pressure vessels; providing  
2 for penalties for violations of the Act; providing an effective  
3 date; and declaring an emergency.

4 SECTION 1. PURPOSE.

5 It is the policy of the State of Texas to establish a Code of  
6 construction for certain pressure vessels manufactured in Texas to  
7 insure minimum quality standards for purchasers of said vessels, to  
8 provide for the safety of the owners and users of said vessels and  
9 to provide a standard for uniformity of construction that will en-  
10 able Texas Pressure Vessel Manufacturers to readily compete in the  
11 world market.

12 SECTION 2. DEFINITIONS.

13 (1) "Pressure Vessels" means any container for the contain-  
14 ment of pressure, either internal or external that is obtained  
15 from an external source, or by the application of heat from a  
16 direct or indirect source, or any combination thereof.

17 (2) "Commissioner" means the Commissioner of the Department  
18 of Labor and Standards.

19 (3) "Board" means the Board of Pressure Vessel Rules.

20 (4) "Code" means Section VIII of the American Society of  
21 Mechanical Engineers Boiler and Pressure Vessel Code with addendas,  
22 Code cases, and interpretations adopted by the Council of the  
23 Society.

24 (5) "Owner/User" means any person, firm or corporation owning

1 or operating pressure vessels within the State.

2 (6) "Chief Inspector" means the Chief Inspector of boilers  
3 appointed by the Commissioner pursuant to the provisions of  
4 Section 8 of Article 5221c, V.T.C.S., the Texas Boiler Inspection  
5 Law.

6 SECTION 3. RULES AND REGULATIONS; BOARD OF PRESSURE VESSEL RULES

7 (a) The Commissioner is hereby authorized and empowered to  
8 promulgate and enforce rules and regulations in keeping with  
9 standard usage, for the construction of pressure vessels covered  
10 by this Act.

11 (b) There is established within the Department of Labor and  
12 Standards a Board of Pressure Vessel Rules, consisting of nine  
13 members appointed by the Commissioner. Except for the initial  
14 appointees, members hold office for terms of six years expiring  
15 on January 31 of odd-numbered years. In making the initial  
16 appointments, the Commissioner shall designate three for terms  
17 expiring in 1983, three for terms expiring in 1985, and three for  
18 terms expiring in 1987.

19 The Commissioner may remove any member of the Board for in-  
20 efficiency or neglect of duty in office. Upon the resignation,  
21 death, suspension, or incapacity of any member, the Commissioner  
22 shall fill the vacancy for the remainder of the vacated term with  
23 an individual representative of the same interests with which the  
24 predecessor was identified.

25 The nine members shall have experience with pressure vessels  
26 and at least four, when available, shall be registered profes-  
27 sional engineers licensed in the State of Texas. Three members

1 shall be representatives of owners or users of pressure vessels,  
2 one shall be representative of pressure vessel manufacturers or  
3 installers, three shall be representatives of companies insuring  
4 pressure vessels in this State, one shall be a mechanical engineer  
5 on the faculty of a recognized engineering college within the  
6 State, and one shall be a representative of a labor union.

7 The Chief Inspector shall serve as chairman, and the Com-  
8 missioner shall be an ex officio member. At the call of the  
9 chairman, the Board shall meet at least twice each year at a  
10 place designated by the Board. No decision of the Board shall be  
11 effective unless supported by the vote of at least five members.

12 The Board shall act in an advisory capacity to the Commis-  
13 sioner in formulating definitions, rules and regulations for the  
14 safe construction of pressure vessels.

15 The Board members shall serve without salary, but are en-  
16 titled to reimbursement for actual expenses incurred in the per-  
17 formance of their duties as board members.

#### 18 SECTION 4. EXEMPTIONS.

19 The following pressure vessels are exempted from the pro-  
20 visions of this Act:

21 (1) pressure vessels owned and/or operated by the United  
22 States government;

23 (2) pressure vessels used for the transportation and sto-  
24 age of compressed or liquified gases if constructed and operated  
25 in compliance with specifications and regulations of the United  
26 States Department of Transportation;

27 (3) pressure vessels located on vehicles operating pur-

1 suant to regulations of other state authorities, and used for  
2 carrying passengers or freight;

3 (4) pressure vessels installed on the right-of-way of rail-  
4 roads and used directly in the operation of trains;

5 (5) pressure vessels having an internal or external operating  
6 pressure not exceeding 15 PSIG with no limit on size;

7 (6) pressure vessels with a nominal water-containing capacity  
8 of 120 gallons or less for containing water under pressure, includ-  
9 ing those containing air, the compression of which serves only as  
10 a cushion;

11 (7) pressure vessels containing water heated by steam or any  
12 other indirect means when none of the following limitations are  
13 exceeded;

14 (a) a heat input of 200,000 BTU per hour;

15 (b) a water temperature of 200 F.;

16 (c) a nominal water-containing capacity of 120 gallons;

17 (8) pressure vessels that do not exceed:

18 (a) five cubic feet in volume and 250 PSIG pressure; or

19 (b) one and one-half cubic feet in volume and 600 PSIG  
20 pressure; or

21 (c) an inside diameter of six inches with no limitation  
22 on pressure.

23 (9) pressure vessels which are under the regulation and con-  
24 trol of the Texas Railroad Commission;

25 (10) piping and pipelines;

26 (11) fired process tubular heaters and furnaces;

27 (12) pressure vessels covered by the Texas Boiler Law;

1       (13) pressure vessels in buildings occupied solely for resi-  
2       dence purposes with accomodations not to exceed four families;

3       (14) pressure vessels located on farms and used exclusively  
4       for agricultural purposes;

5       (15) pressure vessels in use solely by and in care, custody,  
6       and control of research facilities for research that will result  
7       in the destruction of the vessel;

8       (16) any pressure vessel used as an intergral part of an elect-  
9       rical circuit breaker or transformer;

10       (17) mechanical equipment other than pressure vessels;

11       (18) pressure vessels for human occupancy.

12       (19) pressure vessels manufactured from non metallic materials.

13       SECTION 5. EFFECTIVE DATE; SPECIAL DESIGN

14       (a) The initial rules and regulations concerning the construc-  
15       tion of pressure vessels shall not become effective until 12  
16       months from the date published for adoption in the Texas Register.

17       (b) All pressure vessels formally contracted for construction  
18       or in construction before the effective date of the initial rules  
19       and regulations shall conform to any applicable standard existing  
20       prior to the enactment of this Act and the adoption of the rules  
21       and regulations thereunder.

22       (c) A political subdivision of this state, without the ex-  
23       press approval of the Department following a hearing on the matter,  
24       may not adopt different standards from those promulgated by the  
25       Department for the construction of pressure vessels within the  
26       political subdivision.

27       (d) The Commissioner may grant at his discretion written

1 approval for the construction of a pressure vessel of special de-  
2 sign consistent with the safety objectives of the rules and regu-  
3 lations.

4 SECTION 6. CONSTRUCTION REQUIREMENTS; GRIEVANCE; HEARING.

5 (a) Vessels covered by this Act shall be constructed in ac-  
6 cordance with Section VIII of the Boiler and Pressure Vessel Code  
7 of the American Society of Mechanical Engineers. Pressure vessels  
8 constructed after the effective date of this Act may not be used  
9 in this State unless the owner or user has complied with the pro-  
10 visions of this Act. Pressure vessels which have not been con-  
11 structed in accordance with these requirements may be constructed  
12 if it can be proven to the satisfaction of the Commissioner that  
13 the design and the construction of the pressure vessel has or will  
14 provide equivalent safety.

15 (b) Any person aggrieved by a rule, regulation, or decision  
16 may notify the Commissioner of the grievance in writing, the Com-  
17 missioner shall consider the grievance and may amend or repeal the  
18 rule, regulation or decision on his own motion. If the Commissioner  
19 fails to amend or repeal the rule, regulation, or decision within  
20 10 days of the written notice of grievance, the aggrieved party may  
21 file a written application for a hearing. The Commissioner shall  
22 conduct a hearing within 30 days after receipt of the application.  
23 At the hearing, the aggrieved party shall have the opportunity to  
24 show cause for the amendment or repeal of the rule, regulation, or  
25 decision.

26 (1) Upon failure of the Commissioner to amend or repeal  
27 a rule, regulation, or decision, the aggrieved person may

1 file a petition to review, set aside, modify, or sus-  
2 pend the action of the Commissioner. The suit shall  
3 be brought in the District Court of Travis County.

4 (2) Any manufacturer, owner or user may request a  
5 variation from a rule, regulation, or decision. The  
6 request for variation shall be in writing and shall  
7 specify how the equivalent safety is to be maintained.  
8 The Commissioner, after investigation and such hearing  
9 as he may direct, may on his own motion, grant such  
10 variation from the terms of any rule, regulation or  
11 decision provided such special conditions as may be  
12 specified are maintained in order to provide equivalent  
13 safety.

14 (3) The Commissioner's decisions on grievances and vari-  
15 ations shall become effective upon the dates the deci-  
16 sions are rendered.

17 SECTION 7. SPECIAL INSPECTIONS; FEES.

18 (a) The Commissioner is empowered to provide special inspec-  
19 tion service to owner-users and manufacturers including surveys  
20 required for certification to construct pressure vessels.

21 (b) With the advice of the Board, the Commissioner shall fix  
22 and collect fees for special inspections. Such fee including any  
23 travel and per diem collected shall be reappropriated to the credit  
24 of the Boiler and Pressure Vessel Division of the Texas Department  
25 of Labor and Standards.

26 SECTION 8. PARTIAL INVALIDITY.

27 Should any section, subsection, sentence, clause, phrase,

1 provision or exemption of this Act be declared unconstitutional  
2 or invalid for any reason such invalidity shall not affect the  
3 remaining portions or provisions hereof.

4 SECTION 9. EMERGENCY CLAUSE.

5       The importance of this legislation and the crowded condition  
6 of the calendars in both Houses create an emergency and an impera-  
7 tive public necessity that the constitutional rule requiring bills  
8 to be read on three separate days in each House be suspended, and  
9 this rule is hereby suspended, and that this Act take effect and  
10 be in force from and after September 1, 1981, and it is so  
11 enacted.



relating to construction of certain pressure vessels; providing for penalties for violations of the Act; providing an effective date; and declaring an emergency.

MAR 13 1981

Filed with the Secretary of the Senate

MAR 16 1981Read, referred to Committee on ECONOMIC DEVELOPMENT

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.

{ \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read second time and { ordered engrossed.  
passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

## OTHER ACTION:

Engrossed

Sent to House

ENGROSSING CLERK

Received from the Senate

Read first time and referred to Committee on \_\_\_\_\_

Reported favorably amended, sent to Printer at \_\_\_\_\_

Printed and Distributed \_\_\_\_\_

Sent to Committee on Calendars \_\_\_\_\_

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Present, not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

Chief Clerk of the House